

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

CONSTANCE B. STAFFORD,) C.A. No. 4:04-1793-TLW
)
)
Plaintiff,)
)
)
vs.) **WRITTEN OPINION AND ORDER**
)
)
JO ANNE B. BARNHART,)
)
COMMISSIONER OF SOCIAL)
SECURITY,)
)
)
Defendant.)
)

In this case, the plaintiff seeks judicial review of the final decision of the Commissioner denying her applications for social security disability insurance benefits and supplemental security income. Specifically, the plaintiff alleges disability commencing April 15, 2000, primarily due to multiple hernias and leg problems.

This matter now comes before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. In his Report, Magistrate Judge Rogers recommends that “the Commissioner’s decision be reversed and that this matter be remanded to the Commissioner pursuant to sentence four...” As reasoned by the Magistrate Judge:

The ALJ did not mention nor discuss Dr. Fulcher' s report dated November 26, 2002, in which he opined...She is totally disabled for any occupation considering her age, educational and work history, and severe disabling abdominal wall hernias.

No objections have been filed to the Report by any party. As well, legal counsel for both parties represent that they do not intend on filing any objections.

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge' s Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. As stated above, no objections have been filed to the Report. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

A *de novo* review of the record indicates that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is **ORDERED**, without objection, that the defendant' s decision denying the plaintiff' s application for social security benefits is **REVERSED** and **REMANDED** to the Commissioner for further proceedings.

Upon remand the Administrative Law Judge shall consider and analyze Dr. James E. Fulcher' s November 26, 2002, report and fully explain the weight afforded to this opinion in his/her decision.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
United States District Court Judge

August 26, 2005
Florence, South Carolina

